

THIRTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
February 28, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Blackert.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Beck. Oneal.
Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Committee Reports.

(See Appendix.)

Bills and Resolutions.**Senate Bill No. 358.**

By Senator Collie:

S. B. No. 358, A bill to be entitled "An Act amending Article 4891 of the Revised Civil Statutes of 1925, as amended by the Acts of the First Called Session of the Forty-first Legislature, Chapter 37, page 84, so as to provide for the use of coinsurance clauses in windstorm, tornado or hail insurance without limitation or restriction except such as may be approved by the Board of Insurance Commissioners."

Read and referred to the Committee on Insurance.

House Bill No. 135.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Thornton, et al.:

H. B. No. 135, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Forty-third Legislature of the State of Texas, and being Senate Bill No. 561, Chapter 160, and published at length in the General Laws, Regular Session of the Forty-third Legislature, at pages 406 to 407, etc., and declaring an emergency."

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 135 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Beck. Oneal.
Fellbaum.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—1.

DeBerry.

Absent—Excused.

Beck. Oneal.
Fellbaum.

House Bill No. 232.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Holland:

H. B. No. 232, A bill to be entitled "An Act regulating petitions in suits for divorce, to require such petitions to state whether there are children under sixteen years of age, and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen years of age; to determine and fix the amounts to be paid, the times of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen years of age, after divorce, presenting the procedure, and declaring an emergency."

Senator Hill moved that H. B. No. 232 be laid on the table subject to call.

The motion prevailed by viva voce vote.

S. J. R. No. 3.

The Chair recognized Senator Moore who called up S. J. R. No. 3.

Point of Order.

Senator Woodruff raised the point of order that it was House Bill Day and Senate resolutions could not be considered until the disposition of the House bills and resolutions on the calendar.

The Chair overruled the point of order, stating that joint resolutions were privileged matters.

The Chair laid before the Senate S. J. R. No. 3.

By Senators Moore, Holbrook, Blackert, Hopkins, and Shivers:

S. J. R. No. 3, A joint resolution Proposing an amendment to Article XVI of the Constitution of the State of Texas by striking out Section 20a to Section 20e, both inclusive; providing for a local option on the question of the sale of intoxicating liquors for beverage purposes; vesting in the Legislature the power to regulate the manufacture, sale, and traffic in intoxicating liquors; providing that intoxicating liquors shall not be manufactured, sold, bartered, or exchanged for beverage purposes in any county or political subdivision wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws in force at the time of the taking effect of Section 20, Article XVI of the Constitution of the State of Texas, until a majority of the qualified voters of such county or political subdivision shall determine such to be lawful at an election held for that purpose; providing for an election on the question of the adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof; and prescribing the form of ballot.

On motion of Senator Moore the committee amendment was adopted.

Senator Moore sent up the following amendment:

Amend S. J. R. No. 3 by adding at the end of Subsection C of Section 1, the following:

"Provided that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the 43rd Legislature."

MOORE.

The amendment by Senator Moore was adopted by viva voce vote.

Senator Moore sent up the following amendment:

Amend S. J. R. No. 3, Subsection C, Section 1, by striking out the words "in all counties in the State of Texas and in all political subdivisions thereof" in lines 38 and 39, and insert in lieu thereof: "in all counties, justice's precincts or incorporated towns or cities."

MOORE.

Read and adopted.

Senator Moore sent up the following amendment:

Amend S. J. R. No. 3, Subsection C, Section 1, by striking out the words "or in any such political subdivision thereof" in lines 43 and 44, and insert in lieu thereof: "justice's precinct or incorporated town or city."

MOORE.

Read and adopted.

Senator Burns sent up the following amendment:

Amend S. J. R. No. 3 by striking out the word "traffic" in line 30 and add in lieu thereof the following, to-wit: "transportation and possession" and by striking out the word "in" in line 30 and substitute "of."

BURNS.

Read and adopted.

Senator Hill sent up the following amendment:

Amend S. J. R. No. 3 by striking out all below the resolving clause and insert in lieu thereof the following:

Section 1. That Article XVI of the Constitution of the State of Texas be amended by striking out Section 20b to Section 20e, both inclusive, and substituting in lieu thereof the following:

"Article XVI. Section 20.

"(b) It is hereby declared to be the policy of this State that the open saloon shall be forever abolished and that the sale of vinous, spiritous, or malt liquors of an alcoholic content of more than 3.2% by weight, for private profit, be prohibited within this State. There is hereby created the Texas Liquor Control Board, to be composed of three members, and to be appointed by the Governor, which Board shall have exclusive control over the importation, manufacture, distribution, barter and sale, whether at wholesale or retail, and traffic in all vinous, spirituous, or malt liquors of an alcoholic content in excess of 3.2% by weight. The Texas Liquor Control Board shall have authority to regulate the issuance of licenses for the sale or distribution of spirituous, vinous or malt liquors of more than 3.2% alcoholic content by weight; to establish warehouses, dispensaries and stores throughout the State, and to employ such persons as may be authorized by statute. No person, firm

or corporation other than the Texas Liquor Control Board, and the persons and establishments licensed by it shall ever barter, sell, exchange, manufacture, or distribute any vinous, spirituous or malt liquors of an alcoholic content in excess of 3.2% by weight. The Legislature shall pass the necessary laws for carrying into effect the provisions of this amendment.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited within the prescribed limits; and such laws shall contain provisions for voting on the sale of intoxicating liquors of various types and various alcoholic content.

"(c) In all counties in the State of Texas and in all political subdivision thereof, wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter, exchange, give away or transport, in any such county or in any such political subdivision thereof, any spirituous, vinous or malt liquors or medical bitters capable of producing intoxication, or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purpose shall determine such to be lawful."

Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas on August 24, 1935, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the State Constitution prohibiting the manufacture, sale and distribution of alcoholic beverages for private profit, and providing for a State monopoly in the Texas Liquor Control Board, and providing for local option."

And those voters opposed to said proposed amendment shall write or have printed on their ballots the words:

"Against the amendment to the State Constitution prohibiting the manufacture, sale and distribution of alcoholic beverages for private profit, and providing for a State monopoly in the Texas Liquor Control Board, and providing for local option."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

Sec. 4. The sum of Four Thousand (\$4,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expenses of said publication and election.

HILL.

Pending.

Senate Bill No. 359.

Senator Regan received unanimous consent to send up the following bill:

By Senator Regan:

S. B. No. 359, A bill to be entitled "An Act to provide for the renewal and extension of Oil and Gas Permit No. 11,752 on a portion of the Pecos River bed, providing for the placing of all income therefrom, and for all income from oil and gas development from river beds in Texas, in the Permanent School Fund, and declaring an emergency."

Read and referred to the Committee on Public Lands and Land Office.

Senate Bill No. 360.

Senator Collie received unanimous consent to send up the following bill:

By Senator Collie:

S. B. No. 360, A bill to be entitled "An Act amending Articles 2559 and 2560, Revised Civil Statutes of the State of Texas for 1925, as amended by the Acts of the First Called Session of the Forty-second Legislature, 1931, providing the way and man-

ner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages, requiring the payment of interest on such funds so deposited, and providing for the way and manner in which such funds shall be secured, and declaring an emergency."

Read and referred to the Committee on Banks and Banking.

Bill and Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read the following bill and resolution:

H. C. R. No. 24. H. B. No. 445.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas Feb. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following have been appointed on the part of the House in compliance with the provisions of H. C. R. No. 42, providing for a joint session of the Legislature on Saturday, March 2, 1935, to fittingly celebrate Texas Independence Day:

Messrs. McConnell, Collins, and Spears.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Adjournment.

On motion of Senator Pace the Senate at 12:10 o'clock p. m. adjourned until 10:00 o'clock a. m. Friday.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 27, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 332, A bill to be entitled "An Act to amend Chapter 175, page 252, Acts of the Fortieth Legislature, 1927, so as to permit the adding of an additional section to permit the Highway Commission of Texas to acquire, construct and maintain interstate bridges without the joinder of the highway commissions of the adjoining states, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

HOPKINS, Chairman.

Committee Amendment.

Amend S. B. No. 332, Section 1, line 8, by adding after the comma after the word "constructing" in said line the words "and/or", and by striking out the word "etc." after the word "maintaining" in said line; amend caption to conform.

THIRTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
March 1, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Blackert.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Presentation.

Senator Burns presented to Lieutenant Governor Walter F. Woodul a gavel carved by Mr. Stougaard from one of the logs of the Sam Houston Law Office Cabin in Huntsville.

Lieutenant Governor Woodul made a brief speech of appreciation.

Bills and Resolutions.

Senate Bill No. 361.

By Senators Redditt, Hill, Shivers, Pace, Burns, Hughston and Cotten:

S. B. No. 361, A bill to be entitled "An Act creating "Sabine-Neches Conservation District," a conservation and reclamation district with the powers provided in Section 59 of Article 16 of the Constitution, to conserve, control and utilize the waters of the Sabine and Neches Rivers and their tributaries, including their storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation; authorizing one or more districts created under Section 59 of Article 16 of the Constitution to coordinate their plans and to join plans for improvements; defining the boundaries thereof, providing for control through board of directors, their appointment, qualifications and tenure, their organization and powers; authorizing the board of directors to appoint a board of managing directors; and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Senate Bill No. 362.

By Senator Hornsby:

S. B. No. 362, A bill to be entitled "An Act further regulating and providing a means and method of securing service of process on Federal Relief Agencies operating and doing business in the State of Texas, including Federal Housing Administra-